Iowa Beef Processors, Inc. *and* Local 222, United Food and Commercial Workers International Union, AFL-CIO.[1] Case 17-CA-8402

May 6, 1981

DECISION AND ORDER

On August 20, 1980, Administrative Law Judge Richard J. Boyce issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief, and the General Counsel and the Charging Party filed answering briefs.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings,[2] and conclusions[3] of the Administrative Law Judge and to adopt his recommended Order.

[1] The name of the Union, formerly Local 222, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO, is hereby amended to reflect the merger between the Retail Clerks International Union, AFL-CIO, and the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO, effective June 7, 1979.

[2] Respondent has excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *Standard Dry Wall Products, Inc.*, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

In his Decision, the Administrative Law Judge inadvertently erred when he stated that "The Union and its International had violated Section 8(a)(1)(A) of the Act." This should read "violated Section 8(b)(1)(A) of the Act."

[3] Respondent excepts, *inter alia*, to that part of the remedy in which the Administrative Law Judge, relying on *Sopps, Inc.*, 189 NLRB 822 (1971), recommended that backpay include any income lost by the discriminatees because of their attendance at the hearing. We find merit in this exception. In *Sopps, supra*, the Board held that in computing backpay a discriminatee attending an unfair labor practice hearing was not to be considered as possessing the same status as a discriminatee who had voluntarily withdrawn from the labor market. It does not follow, however, that the Board requires employers to compensate employees for attending Board hearings. Accordingly, we hereby delete the sentence in the remedy which reads: "Backpay shall include any income lost by the discriminatees because of their attendance at the present trial. *Sopps, Inc.*, 189 NLRB 822 (1971)."

We agree with the Administrative Law Judge that the altercation in which Lewis was involved while working at a gas station during the strike was not a sufficient basis for finding him unfit for further service with Respondent. Thus, although it appears that the dispute between the customers and Lewis at the gas station was triggered by a verbal exchange concerning "scabs," the record is unclear concerning the particulars of the scuffle that followed that exchange. The record does establish, however, that there were no physical injuries and that no criminal charges were pressed or even filed.

We also agree with the Administrative Law Judge that the circumstances surrounding Respondent's termination of Lewis indicate that Respondent seized upon this incident as a pretext to rid itself of a striker. Like the Administrative Law Judge, we are satisfied that Respondent's effort to explain and justify its refusal to reinstate striker Lewis by relying on this incident is undermined by the following factors: the long and unexplained delay between the incident that assertedly caused the discharge and the date of the discharge itself; the fact that the incident itself involved an employer other than Respondent and that Respondent failed to call any official involved in the decision to terminate Lewis to explain why Respondent believed the incident was a legitimate basis for the discharge; and, finally, the timing of Lewis' discharge coming as it did on the same day as several other unlawful discharges found herein.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, Iowa Beef Processors, Inc., Dakota City, Nebraska, its officers, agents, successors, and assigns, shall take the action set forth in the said recommended Order.

DECISION

STATEMENT OF THE CASE

RICHARD J. BOYCE, Administrative Law Judge: This matter was heard before me in South Sioux City, Nebraska, on October 15-18, 1979. The charge was filed on July 13, 1978, by Local 222, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (Union).[1] The complaint issued on August 31, 1978, was amended on June 29, 1979, and, at the hearing, and alleges that Iowa Beef Processors, Inc. (Respondent), committed certain violations of Section 8(a)(3) and (1) of the National Labor Relations Act, as amended (Act).

I. JURISDICTION

Respondent is a Delaware corporation with a plant in Dakota City, Nebraska, where it is engaged in the slaughter and processing of beef cattle. It is undisputed that Respondent satisfies the Board's inflow and outflow jurisdictional standards, and is an employer engaged in and affecting commerce within the meaning of Section 2(2), (6), and (7) of the Act.

II. LABOR ORGANIZATION

The Union is a labor organization within Section 2(5) of the Act.

III. ISSUES

The complaint alleges that Respondent discharged four employees—Norman Hilbers, Robert Lewis, Angel Lopez, and Connie Wingert—on January 17, 1978, and one employee—Myrtle Peck—on March 15, 1979, because of their participation in a strike, thereby violating Section 8(a)(3) and (1).

Respondent admits that the five in question were discharged in connection with a labor dispute between it and the Union, but contends that the employee conduct prompting the discharges nevertheless was unprotected.

IV. BACKGROUND

The Union at relevant times represented the approximately 2,000 production employees at Respondent's Dakota City plant. A bargaining contract covering those employees expired on January 23, 1977, and, on February 26, 1977, the employees struck in aid of the Union's position in the negotiation of a new contract. The strike

[1] Counsel for the Union stated during the hearing that its name is now Local 222, United Food and Commercial Workers International Union.

ran until May 1, 1978, and each of the five whose discharge is now in issue supported it. The strike caused a closure of the plant until December 12, 1977, at which time operations resumed with striker replacements.

By decision dated November 30, 1977, the Board affirmed the determination of Administrative Law Judge James T. Rasbury that the Union and its International had violated Section 8(a)(1)(A) of the Act by sundry conduct at and away from the picket line in the early months of the strike. *Amalgamated Meat Cutters and Butcher Workmen of North America, and Local 222 (Iowa Beef Processors, Inc.)*, 233 NLRB 839 (1977). The Board accordingly ordered the Union and its International, their officers, representatives, and agents, to cease and desist from:

> Restraining or coercing employees of Iowa Beef Processors, Inc. and/or employees of Farm Products Company by any of the following conduct which tends to discourage employees in the exercise of their right to work for either of the above employers, or any other employer, and the right not to join or support any strike: Threatening employees with bodily harm and/or property damage; hindering or blocking in any manner the ingress and egress of employees' automobiles, trucks, or other vehicles seeking to enter or exit any of the gates provided by IBP or Farm Products; throwing rocks, dirt clods, or firewood, or shooting steel ball-bearings from a slingshot at any employee or vehicle attempting to enter the premises of IBP at Dakota City, Nebraska, or directing such missiles toward employee or company property located in Dakota City, Nebraska; placing glass, nails, screws, logs, or similar material on the highways or driveways at or near any of the exits and entrances into the IBP plant at Dakota City; following vehicles of employees to and/or from picket lines and driving in a dangerous and reckless manner intended to harass and intimidate nonstriking employees; scratching, kicking, rocking, hitting with picket signs, jumping upon, pounding fists, and/or in any other manner causing damage to vehicles of employees and supervisors entering and exiting the struck premises; physically assaulting or in any similar manner hindering and seeking to prevent nonstriking employees from entering the IBP plant premises; making harassing or threatening telephone calls to employees; recording license numbers of vehicles crossing picket lines and posting the names of nonstrikers at either the union headquarters or the strike headquarters.[*Id.* at 839–40.]

This was followed by an identical cease-and-desist order under Section 10(e) and (f) of the Act, dated December 16, 1977, from the United States Court of Appeals for the Eighth Circuit.

VI. THE ALLEGEDLY UNLAWFUL DISCHARGES

A. *Hilbers, Lopez, and Wingert*

Facts: Respondent sent identical letters to Hilbers, Lopez, and Wingert, dated January 17, 1978, stating that they were "hereby terminated . . . as a result of [their] participation in unlawful conduct on the morning of December 30, 1977, during the current labor dispute." Five others, whose discharges are not in issue, also received such letters. The letters do not identify or describe the "unlawful conduct" to which they allude, and Respondent has provided no other evidence of the thought processes behind the decisions to discharge.[2]

On December 30, coincident with the start of the day shift, a prounion demonstration took place outside the plant. Several hundred strikers and strike sympathizers had gone to the plant area by vehicular convoy, after which, leaving their vehicles, they gathered in and near the driveway to the one gate used for plant access. Some of the demonstrators scattered nails in the driveway; threw rocks, chunks of wood, etc.; broke windows, dented, and otherwise damaged the cars of some of those attempting to enter; and pulled one nonstriker from his car. Order was restored when a force from the Nebraska Highway Patrol, 35 or 40 strong, made some arrests and administered tear gas.

Hilbers was at the demonstration for perhaps 40 minutes, after which he left for an interim job. He spent most of the time warming himself at a fire near the picket shack. Apart from his being one of the multitude, and, as such, possibly contributing to the blockage of the driveway from time to time, there is no evidence that he did anything out of the ordinary. As Ed Storms, Respondent's principal witness and chronicler of picket line conduct, testified, Hilbers "was not throwing rocks or anything," but was simply "standing there."

Lopez also attended the demonstration. He at one point rebuked Storms for taking photographs, using obscenities in the process,[3] and, a little later, he joined 200 to 300 others in the formation of a tight circle around a resisting demonstrator and some arresting officers. Those in the circle, Lopez included, shouted at the patrolmen to release the demonstrator; and Lopez, being on the inside of the circle, admittedly "may have" come into physical contact with one of the officers. He denies, however, that he did so "intentionally," theorizing that, if it did happen, it was the result of being pushed by the ebb and flow of the excited crowd. Denise Fagan testified that she was immediately behind Lopez in the circle, and did not see him hit anyone.[4]

Storms testified that he saw Lopez on the back of one of the patrolmen, adding: "I do not know whether he jumped on his [the patrolman's] back or fell on his back or what, I do not know, but he was on his back." Storms

[2] No one privy to any of the discharge decisions herein testified.

[3] There is no evidence that Storms was or had reason to be intimidated by Lopez' remarks. Storms conceded: "[I]t had no effect on me. I was very used to it." Storms is credited, as against Lopez's denial, that Lopez used obscenities.

[4] Another demonstrator, Jose Negron, likewise testified that he did not see Lopez hit anyone. He was some distance away, however, and outside the circle. His testimony consequently is of little value on the point.

later elaborated that Lopez placed his left hand over the officer's left shoulder from behind, and hit him "a couple of quick shots in the upper [right] shoulder area" with his right hand. Storms defined "quick shots" as "blows with closed fist." Storms continued that, in the aftermath of the melee, he told the patrolman that he knew who had hit him and that the officer said he would be back for the information, but never returned. Lopez was never identified to the authorities as having struck the officer or otherwise as having interfered with the arrest.

Lopez is credited that he did not deliberately come into contact with a patrolman. What Storms professedly saw, particularly in his initial rendition, comports fully with Lopez' having been pushed by an unruly crowd. Even Storms' later elaboration, stripped of interpretive material, is compatible with a reflexive extension of the arms to regain balance. Moreover, the failure of the officer to return for whatever information Storms had to offer tends to belie the perpetration by Lopez of an aggressive act.

Concerning Wingert, there is conflict whether she attended the December 30 demonstration. Storms testified that she was among a group pummelling a Honda automobile as it proceeded toward the gate, and that he saw her bump it "with her butt," give it a mule-type kick with her heel, "hit her fists on the hood," and join in the rocking of it. The car, driven by Don Jefferson, a supervisor, emerged with shattered windows, a bent antenna, and a profusion of scratches and dents. Jefferson testified that he knows Wingert well, having worked with her for several months before the strike, and that he saw her as he turned into the driveway moments before the assault, but not thereafter.

Wingert denies that she was present December 30. She testified that her sister and brother-in-law from out of town were staying with her while having a truck repaired, and that she consequently stayed home that day. She expanded that she arose at or about 6 a.m. to begin sewing blouses; that her sister got up "maybe an hour later" and joined in the project, ironing the new blouses; and that she left the house only briefly, at or about noon, to get groceries. The sister, Kathy Green, testified consistently with Wingert.

Respondent introduced videotapes of the Honda incident and of an incident on March 4, 1978, involving the upending of a Vega automobile. A second prounion demonstration, more fully described later in connection with Peck's discharge, was held March 4. One videotape depicts a person, identified by Storms as Wingert, near the right front of the Honda, striking it; the other shows this same person engaged in tipping the Vega. Respondent also introduced a blown up photograph of some of the March 4 demonstrators, one of whom Storms singled out as being Wingert. The parties agree that this person, whatever her true identity, is the one whose conduct *vis-a-vis* the Honda and the Vega is attributed by Storms to Wingert.

It is concluded, having painstakingly studied the blown up photograph during the hearing while simultaneously scrutinizing Wingert's features as she sat in the hearing room, that she is not the person in the picture. The resemblance is not even close. Storms therefore was in error in linking that person's conduct to her, and she and Green are credited that she did not go to the plant, let alone join in the attack on the Honda, on December 30.[5]

Conclusions: In *W. C. McQuaide, Inc.*, 220 NLRB 593, 593–594 (1975), it is stated:

> [T]hat Respondent's discharge action was prompted by the strikers' picketing excesses does not necessarily operate to relieve Respondent of unfair labor practice liability. Sections 7 and 13 of the Act grant employees the right to strike, picket, and engage in other concerted activity for their mutual aid or protection. It is well established, however, that not all conduct which occurs in the course of a labor dispute is within the purview of Sections 7 and 13. A striking employee who engages in serious acts of misconduct may lose the protection of the Act and subject himself to discharge. But, as has long been recognized by Board and court decisions, undue strictures on the exercise of Sections 7 and 13 rights could be imposed if every act of impropriety committed by a striking employee is deemed sufficient to place that employee outside the protection of the Act. In a situation such as that . . . the Board has therefore evaluated the character of the improper acts committed by striking employees and has drawn certain distinctions. Thus, the Board has differentiated between those cases in which employees have arguably exceeded the bounds of lawful conduct during a strike in a "moment of animal exuberance" from those cases in which the misconduct is so flagrant or egregious as to require subordination of the employee's protected rights in order to vindicate the broader interests of society as a whole.

The Board observed in the same decision that striker conduct in contempt of an injunction against unlawful picket line activity "does not relate . . . to the . . . issue of whether the conduct was sufficiently egregious in character to strip an individual of the protection of the Act." *Id.* at 594. To like effect is *N.L.R.B.* v. *Cambria Clay Products Company*, 215 F.2d 48, 54 (6th Cir. 1954):

> It is not the fact that there was a violation of the injunction that determines whether they [the strikers] should or should not be reinstated, but the type of conduct they engaged in, and the manner and nature and seriousness of their violation of the order.

[5] Apart from the palpable nonresemblance between Wingert and the person in the picture, Wingert testified that she was at an interim job in Sioux City, Iowa, from on or about 9 a.m. to 3 p.m. on March 4, which is verified by a timecard, and that she did not participate in the demonstration. In her affidavit, however, after first denying that the person in the picture is she, Wingert states: "I know the fellow standing *next to me* in the green jacket is named Harry Loraditch." (Emphasis supplied.) Respondent argues from this latter passage that Wingert admittedly was the person in the picture. This argument ignores the obvious context and purpose of the "next to me" reference and is rejected. It should be noted in this regard that the affidavit was prepared by and is in the hand of a Board agent.

Finally, an employer's honest but mistaken belief that a striker engaged in flagrant or egregious misconduct does not legitimize a discharge prompted by that belief. *Ohio Power Company*, 215 NLRB 862, 862 (1974); *Cambria Clay Products Company*, 106 NLRB 267, 270–271 (1953). Accord: *N.L.R.B.* v. *Cambria Clay Products, supra*, at 215 F.2d 53.

Applying these principles to the present situation, it is concluded that the discharges of Hilbers, Lopez, and Wingert violated Section 8(a)(3) and (1) as alleged. Supposing the discharges to have derived from the December 30 demonstration, which the record suggests but does not clearly establish, Wingert could not possibly have acted with legitimizing flagrancy or egregiousness inasmuch as she was not even there. And, while Hilbers and Lopez were present, their actions cannot fairly be said to have met that standard, even assuming (without deciding) that their conduct and that of their fellow demonstrators, in the aggregate, violated the Board's and the 8th Circuit's outstanding cease-and-desist orders.

B. *Lewis*

Facts: Respondent sent a letter to Lewis, dated January 17, 1978, stating that he was "hereby terminated . . . as a result of [his] participation in unlawful conduct on May 19, 1977, during the current labor dispute." This was followed by a letter, dated January 18, correcting "the date of [his] misconduct to May 9, 1977." As in the cases of Hilbers, Lopez, and Wingert, neither letter identifies or describes the misconduct to which it refers, and Respondent has supplied no other evidence of the thought processes underlying the discharge decision.

While on strike, Lewis worked for a time at a gasoline service station in Sioux City, Iowa. On May 9, 1977, Albert Furness and a woman companion, Holly Caley, went to the station to buy cigarettes. Furness until recently had worked at the same station. Lewis consequently knew him, and previously had seen Caley, although he did not know her by name. Incidental to asking Lewis for change to operate the cigarette machine, Caley mentioned that Furness had gone to work for Respondent. With that, Lewis said something about Furness' being a "scab," and declined to make change. An argument and scuffle ensued, during which Lewis physically ousted Caley from the station office, Caley hit Lewis with a squeegee once they were outside, and Caley fell as Lewis wrested the squeegee from her. Furness, on crutches at the time, stayed in his car throughout. There were no injuries, nor were any criminal charges filed. The incident caused Lewis to lose his job at the station later the same day.

Until receipt of the aforementioned letters more than 8 months later, which presumably allude to this incident, Lewis heard nothing from Respondent about it.

Conclusion: It is concluded that Lewis' discharge violated Section 8(a)(3) and (1) as alleged. The same day coincidence of this discharge with the unlawful discharges of Hilbers, Lopez, and Wingert; the months long delay between the purported causative incident with Caley and the discharge; that this incident occurred on a job in which Respondent had no legitimate interest, and involved a second party having no connection with Respondent; and that Respondent failed to identify, let alone call, those responsible for the discharge decision, all indicate that the Caley incident was seized upon as a convenient pretext to terminate Lewis, the real reason being his status as a striker. See *Valley Oil Co., Inc.*, 210 NLRB 370, 375 (1974). Moreover, even if the Caley incident were the true and sole reason for the discharge, it was not of a seriousness disqualifying Lewis from further employment with Respondent. See *Mosher Steel Company*, 226 NLRB 1163 (1976).

C. *Peck*

Facts: Respondent sent a letter to Peck, dated March 15, 1978, stating that she was "hereby terminated . . . as a result of [her] participation in unlawful conduct on March 4, 1978, during the current labor dispute." Six others, whose discharges are not in issue, also received such letters. As before, the letters do not identify or describe the "unlawful conduct" to which they allude, and Respondent has come forward with no evidence of the thought processes leading to the decisions to discharge.

On March 4, coincident with the afternoon shift change, another prounion demonstration occurred outside the plant. Several hundred strikers and strike sympathizers marched around the perimeter of the plant, at times blocking all four lanes of a public highway because of their numbers, and at times hurling rocks, causing some windows in the "blood" building to be broken. As they started to walk around the facility a second time, the demonstrators were forced off the highway by state patrolmen. They thereupon massed in the area of the one gate being used, obstructing passage. Some of them shortly tore down communications wires to a nearby guard shack, threw cinder blocks at the shack, and seemingly tried to tip it over. Two people were inside at the time. Some of the demonstrators, in addition, upended a Vega automobile and another vehicle, which were in a parking lot, and smashed the windshield of at least one other car. As on December 30, the state patrolmen finally restored order with the aid of tear gas and several arrests.

Peck participated in the march, and was among those gathered in the gate area afterwards. She was at the plant perhaps 2 hours. A friend and coworker, Carol McBride, rode with her to and from the demonstration, and was with her throughout their time there. Both testified that Peck engaged in no object throwing or other acts of terror or destruction, and there is no convincing evidence to the contrary. Storms testified that he saw someone he thought "might have been" Peck throw a cinder block at the guard shack and, with others, try to tip over a portable toilet. Storms conceded, however, that he could not state "with any certainty" that this was Peck, adding: "I did not see her, myself, do anything wrong." Storms continued that someone else supposedly had identified Peck as having engaged in misconduct that day, but that he "was not present when that identification was made." The supposed identifier did not testify; indeed, his identity does not appear in the record.

Peck was reinstated on September 26, 1978.

Conclusion: Giving Respondent the benefit of the doubt that Peck's discharge was based on the March 4 demonstration, it is concluded that it violated Section 8(a)(3) and (1) as alleged. The reasoning applied to Hilbers and Lopez is equally pertinent to Peck.

CONCLUSIONS OF LAW

By discharging Norman Hilbers, Robert Lewis, Angel Lopez, and Connie Wingert on January 7, 1978, and by discharging Myrtle Peck on March 15, 1978, as found herein, Respondent in each instance violated Section 8(a)(3) and (1) of the Act.

THE REMEDY

To the extent that it has not already done so, Respondent shall offer each of the discriminatees immediate and full reinstatement to his or her former position, discharging replacements if necessary. Respondent, in addition, shall recompense each discriminatee for wages and benefits lost "from the date of discharge until the date he or she is offered reinstatement." *Abilities and Goodwill, Inc.*, 241 NLRB 27 (1979). Accord: *Gold Kist, Inc.*, 245 NLRB 1095 (1979); *Trident Seafood Corporation*, 244 NLRB 566 (1979). Backpay shall include any income lost by the discriminatees because of their attendance at the present hearing. *Sopps, Inc.*, 189 NLRB 822 (1971).

Upon the foregoing findings of fact and conclusions of law, upon the entire record, and pursuant to Section 10(c) of the Act. I hereby issue the following recommended:

ORDER[6]

The Respondent, Iowa Beef Processors, Inc., Dakota City, Nebraska, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Discharging economic strikers who do not engage in strike misconduct disqualifying them from entitlement to continued employment.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them under the Act.

2. Take this affirmative action:

(a) Offer to Norman Hilbers, Robert Lewis, Angel Lopez, and Connie Wingert immediate and full reinstatement to their former jobs, or, if any such jobs no longer exists, to substantially equivalent jobs, without prejudice to their seniority or other rights and privileges, discharging replacements if necessary, and make them and Myrtle Peck whole, in accordance with that portion of this decision captioned "The Remedy," for any loss of earnings or benefits suffered by reason of their unlawful discharges, with interest on lost earnings.[7]

(b) Preserve and, upon request, make available to the Board or its agents, for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports, and all records necessary to analyze the amounts of backpay and benefits owing under the terms of this Order.

(c) Post at its plant in Dakota City, Nebraska, copies of the attached notice marked "Appendix."[8] Copies of said notice, on forms provided by the Regional Director for Region 17, after being duly signed by Respondent, shall be posted by Respondent immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to ensure that said notices are not altered, defaced, or covered by any other material.

(d) Notify the Regional Director for Region 17, in writing, within 20 days from the date of this Order, what steps Respondent has taken to comply herewith.

[6] All outstanding motions inconsistent with this recommended Order hereby are denied. In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

[7] Backpay is to be computed in accordance with *F. W. Woolworth Company*, 90 NLRB 289 (1950), with interest to be computed as set forth in *Florida Steel Corporation*, 231 NLRB 651 (1977). See, generally, *Isis Plumbing & Heating Co.*, 138 NLRB 716 (1962).

[8] In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

After a hearing at which all sides had an opportunity to present evidence and state their positions, the National Labor Relations Board found that we have violated the National Labor Relations Act, as amended, and has ordered us to post this notice.

WE WILL NOT discharge economic strikers who do not engage in strike misconduct disqualifying them from entitlement to continued employment.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights guaranteed them under the Act.

WE WILL offer to Norman Hilbers, Robert Lewis, Angel Lopez, and Connie Wingert immediate and full reinstatement to their former jobs or, if any such jobs no longer exist, to substantially equivalent jobs, without prejudice to their seniority or other rights and privileges, discharging replacements if necessary; and WE WILL make them and Myrtle Peck whole for any loss of earnings or benefits suffered by reason of their unlawful discharges, with interest on lost earnings.

IOWA BEEF PROCESSORS, INC.